

HOUSE BILL No. 1621

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1.

Synopsis: Broadband deployment council. Creates the technology opportunity account to provide financial support for the technology opportunity program. Appropriates money in the account for the purposes of the account. Establishes the Indiana broadband services deployment council to develop a strategy for the adoption and deployment of broadband services in Indiana.

Effective: July 1, 2009.

Pierce, Austin

January 16, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1621

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-33-8, AS ADDED BY P.L.235-2005,
2 SECTION 105, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 8. As used in this chapter,
4 "broadband services" includes services, including voice, video, and
5 data, that provide capacity for transmission of more than ~~two hundred~~
6 ~~(200)~~ **seven hundred sixty-eight (768)** kilobits per second in at least
7 one (1) direction regardless of the technology or medium used,
8 including wireless, copper wire, fiber optic cable, or coaxial cable. If
9 voice transmission capacity is offered in conjunction with other
10 services using transmission of more than ~~two hundred (200)~~ **seven**
11 **hundred sixty-eight (768)** kilobits per second, the voice transmission
12 capacity may be less than ~~two hundred (200)~~ **seven hundred**
13 **sixty-eight (768)** kilobits per second. The authority shall annually
14 reconsider the ~~two hundred (200)~~ **seven hundred sixty-eight (768)**
15 kilobits threshold under this section with a bias toward raising the
16 threshold in a manner consistent with technological advances.
17 SECTION 2. IC 8-1-33-16, AS ADDED BY P.L.235-2005,



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SECTION 105, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The powers of the authority
under this chapter include all those necessary to carry out and
effectuate the purposes of this chapter, including the following:

(1) To invest any money of the authority at the authority's
discretion, in any obligations determined proper by the authority,
and name and use depositories for the authority's money.

(2) To receive and distribute state or local funding, including
grants, loans, and appropriations.

(3) To make loans or grants to broadband developers and
broadband operators that will acquire, construct, maintain, and
operate all or part of the broadband infrastructure serving
underserved areas.

(4) To provide operating assistance to make broadband services
more affordable to broadband developers, broadband operators,
and broadband customers in underserved areas, in conjunction
with broadband infrastructure financed by the authority.

(5) To set construction, operation, and financing standards for the
broadband infrastructure in connection with authority financing
and to provide for inspections to determine compliance with those
standards.

(6) To ~~investigate, evaluate, and assess the current broadband
infrastructure and the future broadband infrastructure needs of
Indiana~~ and to encourage and participate in aggregation strategies
for the broadband services of all public entities and nonprofit
corporations in Indiana to maximize the interconnectivity and
efficiencies of the broadband infrastructure.

(7) To make expenditures necessary to carry out the authority's
duties under this chapter, including paying the authority's
operating expenses.

(b) As part of an application for financing under this chapter, a
broadband developer or broadband operator must file with the authority
a participation plan for small and minority owned businesses and a
communitywide outreach plan to educate the public with respect to the
availability of broadband services. The authority may not approve an
application unless a plan is submitted under this subsection.

SECTION 3. IC 8-1-37 IS ADDED TO THE INDIANA CODE AS
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2009]:

Chapter 37. Indiana Broadband Services Deployment Council

**Sec. 1. As used in this chapter, "broadband services" has the
meaning set forth in IC 8-1-33-8. The term includes the following**

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technologies and applications:

- (1) Digital video transport systems.
- (2) Ultrahigh definition video and high definition video conferencing.
- (3) Supporting technologies for teleconferencing.
- (4) Supporting applications for telework, telehealth, and distance education.

Sec. 2. As used in this chapter, "council" refers to the Indiana broadband services deployment council established by section 5 of this chapter.

Sec. 3. As used in this chapter, "underserved area" means an area that the council determines is not being adequately served with broadband services.

Sec. 4. The general assembly makes the following findings:

- (1) The deployment and adoption of broadband services and technology advancements enhance economic development and public safety and offer improved health care, increased educational opportunities, and a better quality of life for Indiana residents.
- (2) Improvements in the deployment and adoption of broadband services and the strategic inclusion of technology advancements are critical to ensure that Indiana remains competitive and continues to attract businesses and stimulate job growth.
- (3) Indiana should encourage and support strategic partnerships of the public, private, nonprofit, and community based sectors.

Sec. 5. (a) The Indiana broadband services deployment council is established to develop a strategy for expanding the deployment and adoption of broadband services in Indiana.

(b) The council consists of the following members:

- (1) The state superintendent of public instruction or the superintendent's designee.
- (2) The commissioner of the commission for higher education or the commissioner's designee.
- (3) The director of the Indiana economic development corporation or the director's designee.
- (4) The chairman of the commission or the chairperson's designee.
- (5) The consumer counselor of the office of the utility consumer counselor or the consumer counselor's designee.
- (6) The following members appointed by the speaker of the

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house of representatives:

(A) One (1) member who is a medical professional with expertise in medical informatics.

(B) One (1) member representing Indiana elected officials of counties.

(C) One (1) member representing Indiana elected officials of cities and towns.

(D) One (1) member with expertise in broadband services or other communications technologies.

(7) The following members appointed by the president pro tempore of the senate:

(A) One (1) member who is a medical professional with expertise in medical informatics.

(B) One (1) member representing Indiana elected officials of counties.

(C) One (1) member representing Indiana elected officials of cities and towns.

(D) One (1) member with expertise in broadband services or other communications technologies.

(c) The consumer counselor of the office of the utility consumer counselor or the consumer counselor's designee shall be the chairperson of the council.

(d) The commission shall provide administrative and staff support to the council.

Sec. 6. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 7. (a) The council has the following powers:

(1) Apply for and receive grants and donations for broadband services projects.

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(2) Make recommendations to the commission and the general assembly concerning telecommunications initiatives.

(3) Use money appropriated, allocated, or otherwise given to the council to finance projects related to the deployment and adoption of broadband services.

(4) Award grants under criteria established by the council.

(5) Exercise any other power reasonably necessary to carry out its responsibilities under this chapter.

(b) The council is the designated entity to receive state broadband data and development grants under 47 U.S.C. 1304.

Sec. 8. (a) The council shall do the following:

(1) Promote affordable broadband services throughout Indiana.

(2) Initiate and promote the development of broadband services and resources in Indiana, including the following:

(A) Soliciting funding in the form of grants or donations.

(B) Establishing technology literacy and digital inclusion programs.

(C) Establishing low cost hardware and software purchasing programs.

(D) Developing programs that target small businesses or businesses located in underserved areas.

(3) Identify underserved areas, barriers to adoption of broadband services, and potential operators of broadband services in underserved areas.

(4) Identify the data transmission rates of broadband services offered to different classes of customers, and promote greater consistency in service availability, service quality, and pricing across customer classes.

(5) Serve as a repository and clearinghouse for information concerning public or private funding for public and private telecommunications deployment, including the deployment of broadband services.

(6) Monitor and assess Indiana's telecommunications and broadband services infrastructure to facilitate the statewide deployment of affordable broadband services.

(7) Study universal service funds established in other states to ensure universal access to essential and advanced telecommunications services, and work with the commission to fund statewide access to and adoption of broadband services.

(8) Work with the Indiana finance authority to implement the

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Indiana broadband development program under IC 8-1-33.
 (9) Promote the routine installation of underground conduit whenever infrastructure improvements are undertaken by a state agency or a political subdivision so the conduit can be made available in a nondiscriminatory manner to public, private, or nonprofit entities to run fiber optic communications lines through the conduit.

(b) The council shall create a statewide geographic information system (GIS) of available telecommunications and information technology services, including broadband services. The council shall do the following:

(1) Map the availability of broadband services by census blocks established by the Bureau of the Census and depicted in the GIS. A map created under this subdivision must:

(A) include the percentage of households that have access to broadband services; and

(B) use the data rate benchmarks for broadband services used by the Federal Communications Commission to indicate different speed tiers.

(2) Use the map to identify areas where broadband services are inadequate or unavailable.

(3) Share the map and GIS data with the IGIC (as defined in IC 4-23-7.3-6) as a data layer to the statewide base map (as defined in IC 4-23-7.3-11).

Sec. 9. (a) The council shall create a local technology planning team in each county or other region designated by the council to assist the council in achieving broadband services deployment and adoption goals.

(b) The council shall appoint the members of each local technology planning team. The council shall determine the length of terms and a method to fill vacancies. Members appointed under this section must, to the extent possible, represent at least the following areas:

(1) Business.

(2) Telecommunications labor organizations.

(3) Primary and secondary education.

(4) Higher education.

(5) Health care.

(6) Libraries.

(7) Community organizations.

(8) Local government.

(9) Tourism.

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1 (10) Parks and recreation.

2 (11) Agriculture.

3 Sec. 10. (a) Not later than November 1, 2009, and annually
4 thereafter, the council shall submit a report in an electronic format
5 under IC 5-14-6 to:

6 (1) the executive director of the legislative services agency for
7 distribution to the members of the general assembly;

8 (2) the governor; and

9 (3) the budget director.

10 (b) A report submitted under subsection (a) must include the
11 following:

12 (1) Legislative recommendations concerning strategies for the
13 expanded deployment and adoption of broadband services,
14 including the use of infrastructure under the control of the
15 state or state educational institutions, including I-Light 2, to
16 extend broadband services to underserved areas.

17 (2) Benchmarks, performance measures, timelines, and other
18 indicators of performance and progress as needed to guide
19 development and implementation of the broadband services
20 deployment and adoption strategy.

21 (3) Best practices, both recommended and already
22 implemented, to facilitate the interaction and coordination of
23 funding, technology, investments, and other opportunities
24 related to the deployment and adoption of broadband services
25 in Indiana.

26 Sec. 11. This chapter may not be construed to limit the powers
27 or responsibilities of a political subdivision (as defined in
28 IC 8-1-33-12) to do the following:

29 (1) Undertake local broadband services projects and provide
30 related broadband services.

31 (2) Lease infrastructure owned or controlled by the political
32 subdivision.

33 (3) Aggregate customers or demand for broadband services.

34 (4) Apply for and receive funds or technical assistance to
35 undertake projects to address the availability of broadband
36 services or similar broadband services projects to businesses
37 and residents of the political subdivision.

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